IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.501 OF 2007
IN
CRIMINAL APPEAL NO.1197 OF 2007

Mahesh @ Bala Maitri ...Applicant
Vs.
The State of Maharashtra ...Respondent

Mr. R. Bhatkar i/b. Mr. C.K. Pendse for Applicant
Mr.A.R. Patil, A.P.P for the Respondent State

CORAM: SMT. RANJANA DESAI &
SMT.ROSHAN DALVI, JJ.
DATED: 1ST AUGUST, 2007

P.C.

1. The applicant alongwith 8 others was tried in the Court of Additional Sessions Judge, Ratnagiri in Sessions Case No.35 of 2003 for the offences punishable under Section 120(b) r.w. 34, 302 r.w. 34 of Indian Penal Code for having hatched a conspiracy to kill one Mahesh Ramesh Redij resident of Lanja and for having committed his murder on 9th May, 2002 at 3.00 p.m near Phanas stop at Lanja. The applicant has been convicted for life. The Appeal is admitted. This is his application for bail.

2. We are informed by the learned Counsel for the applicant that this Court has released accused Nos.4,5 and 7 on bail. The learned Counsel contended that the case of the prosecution against the present applicant is on par with that of the case of the prosecution as regards accused Nos.4,5 and 7 and, therefore, on the principle of parity the present applicant be released on bail.

3. It appears that the earlier application for bail filed by the applicant was rejected by this Court on 22nd August, 2006, because reply affidavit was filed by the State, which indicated that there were 4 cases pending against the applicant. Thereafter, on 4th September, 2006 this Court released accused No.4 on bail. On 9th April, 2007 this Court released accused No.5 on bail. It is significant to note that against accused No.5 also 4 cases were pending. Attention of this Court was drawn to the fact that accused No.5 was acquitted in all the cases. Considering this fact, this Court released him on bail. On 10th April, 2007 this Court released accused No.7 on bail.

4. The learned Counsel for the applicant has pointed out that the applicant has been acquitted in 3 cases which were pending against him and one case has been compounded.

The learned A.P.P has confirmed this fact. If that is so in our opinion the applicant will have to be released on bail in the light of order dated 9th April, 2007 passed by this Court, whereby accused No.5, against whom also some cases were pending and who was subsequently acquitted in those cases has been released on bail. We repeat that the learned A.P.P has confirmed that the case of the applicant is on par, with the accused who have been released on bail. Hence, following order:

O R D E R

1. The applicant Mahesh Bala Maitri is ordered to be released on bail in the sum of Rs.30,000/- with one or two sureties in the like amount.

2. The application is disposed off accordingly.

(SMT. ROSHAN DALVI, J.) **(SMT. RANJANA DESAI, J)**